

May 17, 2011

ALL AGREEMENT STATES, MICHIGAN  
STATE LIAISON OFFICERS

OPPORTUNITY TO COMMENT ON PRELIMINARY PROPOSED RULE LANGUAGE FOR  
MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL  
REGULATIONS (FSME-11-040)

**Purpose:** The Nuclear Regulatory Commission (NRC or Commission) is making available for comment preliminary proposed rule language concerning the NRC's proposed amendments to the material control and accounting (MC&A) regulations.

**Background:** The NRC plans to amend Parts 72, 74, and 150 to Title 10 of the *Code of Federal Regulations* (10 CFR). The majority of the changes would be to the MC&A provisions in 10 CFR Part 74. Licensees authorized by an Agreement State to possess and use special nuclear material are currently required to submit material status reports to the NRC via the Nuclear Materials Management and Safeguards System (NMMSS). The reporting requirements are currently located in 10 CFR 150.17(a) which would be revised to conform to the proposed revisions to 10 CFR 74.13. No substantive changes would be involved. The changes to 10 CFR 150.17(a) only clarify the existing requirements.

**Discussion:** The NRC is making the preliminary proposed rule language summarized above available to inform stakeholders of the current status of this proposed rulemaking, and is inviting comment on the language. This preliminary proposed rule language may be subject to significant revisions during the rulemaking process. Stakeholder input at this stage will help inform the development of the proposed rule. The NRC will review and consider any comments

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\*This information request has been approved by OMB 3150-0029 expiration 11/30/2013. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to [infocollects@nrc.gov](mailto:infocollects@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0029), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

\*This information request has been approved by OMB 3150-0163, expiration 01/31/2013. The estimated burden per response to comply with this voluntary collection is approximately 8 hours. Send comments regarding the burden estimate to the Records and FOIA/Privacy Services Branch (T-5F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to [infocollects@nrc.gov](mailto:infocollects@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0163), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

received; however, the NRC will not respond to any comments received at this pre-rulemaking stage. As appropriate, the proposed rule will briefly discuss any substantive changes made to the preliminary language as a result of the comments now being solicited. Stakeholders will have a further opportunity to comment on the rule language when it is published as a proposed rule in accordance with the provisions of the Administrative Procedures Act. The NRC will respond to any such comments in the Statements of Consideration published with the final rule language. The preliminary proposed rule language can be viewed and downloaded electronically via the Federal Rulemaking Web site at <http://www.regulations.gov> by searching for Docket ID NRC-2009-0096 as well as in the Agencywide Documents Access and Management System (ADAMS) Accession Number ML111250585. After the Commission has reviewed and approved the proposed rule, it will be formally published for comment. The notice announcing the availability of the preliminary proposed rule language was published in the *Federal Register* (76 FR 28193) on May 16, 2011. The public comment period ends June 30, 2011.

If you have any questions regarding this correspondence, please contact me at 301-415-7278 or the individual named below.

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